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November 8, 2000

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VIA HAND DELIVERY

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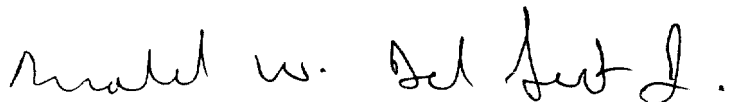
**Re: File No. NSD-L-00-171; CC Docket No. 96-98;
Reply Comments of Starpower Communications, LLC**

Dear Secretary Salas:

On behalf of Starpower Communications, LLC ("Starpower"), enclosed please find an original and four (4) copies of Starpower's reply comments in the above-referenced docket. Please date stamp and return the enclosed extra copy. Concurrent with this filing, Starpower is submitting two (2) copies of its reply comments to the Network Services Division.

Should you have any questions with respect to this matter, please do not hesitate to call Ron Del Sesto at (202) 945-6923.

Respectfully submitted,



Ronald W. Del Sesto, Jr.

Counsel for Starpower Communications, LLC

Enclosure

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**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

In the Matter of)	
)	File No. NSD-L-00-171
Maryland Public Service Commission)	
Petition for Delegated Authority to)	
Implement Number Conservation)	CC Docket No. 96-98
Measures)	

**REPLY COMMENTS OF
STARPOWER COMMUNICATIONS, LLC**

I. INTRODUCTION

Starpower Communications, LLC ("Starpower") by undersigned counsel and pursuant to the Common Carrier Bureau's September 25, 2000 Public Notice,¹ submits its reply comments in the above-captioned proceeding. In these reply comments, Starpower recommends that the Federal Communications Commission ("FCC") modify rules concerning central office code reclamation when the carrier receiving such codes is installing a brand new switch. Starpower joins other commenting parties in urging the FCC to stress the importance of rate center consolidation ("RCC") to the Maryland Public Service Commission ("MDPSC"). Finally, in its comments filed October 25, 2000, Starpower recommended that the FCC deny the MDPSC's request for authority to maintain rationing procedures for six months following area code relief for a variety of reasons. In these reply comments, Starpower recommends that if the FCC should grant the MDPSC authority to engage in

¹ *Common Carrier Bureau Seeks Comment on the Maryland Public Service Commission Petition for Delegated Authority to Implement Number Conservation Measures*, NSD File No. L-00-171, Public Notice, DA 00-2176 (rel. Sept. 25, 2000).

rationing, the FCC should not provide the MDPSC with unilateral authority to determine the procedure but, instead, should be directed to collaborate with the industry.

II. THE RULES GOVERNING RECLAMATION OF NUMBERING RESOURCES DISPROPORTIONATELY IMPACT CARRIERS THAT INSTALL BRAND NEW SWITCHES IN JEOPARDY NPAs

In the *Number Resource Optimization Order* (“*Numbering Order*”), the FCC modified the definition of placing an NXX code “in service” and established rigid deadlines governing the activation and assigning of central office codes, which has made it nearly impossible for carriers installing brand new switches to utilize numbering resources within the requisite time frame in jeopardy number plan areas (“NPAs”). In the *Numbering Order*, the FCC delegated authority to the states to engage in number reclamation activities.² Additionally, the North American Numbering Plan Administrator (“NANPA”) may also initiate NXX code reclamation within 60 days of a code holder’s activation deadline.³

The industry standard for requesting codes and publishing them in the LERG in non-Jeopardy NPAs is 66 days.⁴ Carriers are obligated to submit to the NANPA, within six months of the requested code effective date of newly obtained central office codes, a Part 4 certification that the code has been placed in service.⁵ When a NPA is in jeopardy, carriers submit requests for NXX codes during certain windows of time, six months prior to the time the carrier needs the code.

² See *Numbering Resource Optimization*, CC Dkt. No. 99-200, FCC 00-104, Report and Order and Further Notice of Proposed Rulemaking, (*rel. March 31, 2000*), at ¶ 237.

³ See *id.* at ¶ 241.

⁴ See Central Office Code Assignment Guidelines, at § 6.3.3.

⁵ See *id.*

NANPA then processes the request and the codes are placed in a lottery. If the carrier is lucky enough to “win” the NXX code lottery, the carrier often times is awarded a priority code rather than an actual NXX code assignment. When a carrier receives a priority code, it may not receive actual NXX code assignment for four to five months.

In order to make a brand new switch operational, the switch must be capable of providing operator services (“OS”) and directory assistance (“DA”). Starpower contracts with Verizon to provide OS and DA. Verizon requires carriers to submit a completed technical questionnaire in order to obtain a contract for OS and DA. A portion of the questionnaire requires information concerning the specific NXX codes that will be activated by Starpower. If this information is not contained on the form, the form is rejected and will not be processed by Verizon. It takes a minimum of 90 days to receive OS and DA from Verizon upon Verizon determining that the questionnaire is complete. OS must be tested prior to E-9-1-1 testing because OS is the final route for 9-1-1 calls.⁶ Thus, in order for Starpower to make a brand new switch operational, the required sequence is:

1. NANPA assigns code/codes to the company.
2. Codes are entered on the Verizon Operator Services Technical Questionnaire.
3. Verizon accepts the questionnaire as accurate and complete.
4. 90 days after Verizon’s acceptance of the Technical Questionnaire OS/DA testing may be scheduled.
5. Following successful OS/DA testing, E-9-1-1 testing may be scheduled.
6. After E-9-1-1 testing is successful customers may be assigned telephone numbers from the active NXX.

⁶ 911 calls are handled by SS7 signaling system. OS must be in place as an emergency backup in the event of a failure of the SS7 signaling system.

The number reclamation rules set out in the *Numbering Order* require carriers to be in the position to provide service within 60 days of the code holder's activation. There is no way for such carriers to make a brand new switch operational within the time frames set out in the *Numbering Order* and enforced by the state commissions. While state commissions must provide carriers with the opportunity to explain the circumstances causing the delay in activating NXX codes, some state commissions will provide relief only in pre-determined circumstances that do not include the scenario detailed above. Other state commissions make number reclamation decisions on an *ad hoc* basis. In order to alleviate this problem, the FCC must provide carriers that install brand new switches with the ability to obtain additional time to place NXX codes "in service." In all cases, due to unrealistic requirements, carriers are required to use valuable resources to provide justification for delayed activation. This is an unnecessary burden on the carriers which would be alleviated with requirements that recognize the operational issues that affect switch installation.

III. THE FCC SHOULD ENCOURAGE THE MARYLAND PUBLIC SERVICE COMMISSION TO IMPLEMENT RATE CENTER CONSOLIDATION

Starpower joins the comments of Allegiance and the CTIA in recommending that the FCC urge the MDPSC to work with the industry to investigate implementing rate center consolidation ("RCC") as soon as possible.⁷ As the FCC is aware, incumbent local exchange ("ILEC") providers developed a system of rate centers for call rating purposes. An NXX is assigned to one rate center and it is necessary for a new carrier to obtain a NXX code for each rate center in which it provides service.

⁷ See *Comments of Allegiance Telecom of Maryland, Inc.*, at pp. 4-5; *Comments of the Cellular Telecommunications Industry Association*, at p. 6. In comments filed in response to the Louisiana Public Service Commission's petition for authority to engage in number conservation activities (NSD File No. L-00-170, CC Docket No. 96-98), BellSouth supported examining RCC. See *Comments of BellSouth*, at p. 8, n.23.

This ILEC rate center structure exacerbates number exhaust. By combining rate centers, carriers would be able to use fewer NXX codes to provide service throughout their intended region resulting in reducing the demand for NXX codes, improving number utilization and prolonging the life of an area code. While thousands-block number pooling addresses the problem of assigning numbers in 10,000 blocks, it does nothing to alleviate the problems associated with the current rate center structure. Thus, if the MDPSC were to proceed only with thousands-block number pooling, carriers would still have to acquire numbering resources in each rate center which would continue to impede number conservation.

IV. THE MARYLAND PUBLIC SERVICE COMMISSION SHOULD HAVE TO WORK WITH THE INDUSTRY IN ESTABLISHING RATIONING PROCEDURES IF THE FCC DELEGATES SUCH AUTHORITY

In Starpower's comments filed on October 25, 2000, Starpower recommended that the FCC deny the MDPSC's request for authority to engage in rationing. Starpower highlighted the fact that the MDPSC did not make the requisite showing of "extenuating and unique" circumstances to justify deviation from FCC rules that require a state commission to have adopted a relief plan and set a date for relief prior to engaging in rationing procedures. Also, the new numbering rules set out in the FCC's numbering order will make rationing less necessary than in the past. As carriers must verify their need and achieve utilization rates prior to requesting growth codes, the immediate demand for new numbering resources will no longer exist as it did when new NPAs were introduced under the old rules. Furthermore, the new numbering rules do not allow state commissions to engage in rationing.⁸

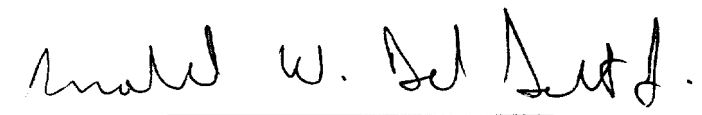
⁸ See *Starpower Comments*, at pp. 4-6.

If the FCC should allow the MDPSC to engage in rationing despite Starpower's objections summarized above and provided in detail to the FCC in its October 25, 2000 comments, Starpower requests that it not provide the MDPSC with the unilateral authority to engage in such activities. The FCC should require that prior to engaging in rationing, the MDPSC must collaborate with the industry in establishing rationing procedures. Starpower is concerned that the MDPSC will use this authority to forestall actual number relief. This concern is not a hypothetical one as other state commissions have suspended area code relief plans in favor of pooling and rationing. As the FCC is well aware, rationing artificially reduces demand for numbering resources and restricts the ability of new market entrants to compete with monopoly providers. Rather than grant the MDPSC unfettered authority to engage in rationing, the FCC must limit its grant to mandate collaboration with the industry in engaging in rationing.

V. CONCLUSION

Starpower requests that the FCC revise its rules concerning number reclamation for carriers that install brand new switches to accurately reflect the operational issues that make the reclamation rules extremely onerous for such carriers. Joining the comments of other parties, Starpower recommends that the FCC urge the MDPSC to open an investigation into the potential benefits of RCC as soon as possible. Finally, Starpower respectfully requests that if the FCC should grant the MDPSC the authority to maintain rationing procedures for six months following the implementation of an area code overlay, the FCC should direct the MDPSC to collaborate with the industry in establishing rationing procedures.

Respectfully submitted,



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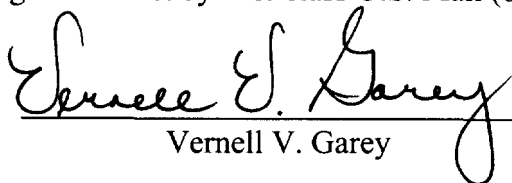
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Dated: November 8, 2000

CERTIFICATE OF SERVICE

I, **Vernell V. Garey**, hereby certify that on November 8, 2000, the foregoing document was served on the individuals listed on the following service list by first-class U.S. Mail (or by overnight delivery/hand-delivery, as marked*).


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